
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 300 (C. 12)

PENSIONS

The Pension Schemes Act 2021 (Commencement
No. 3) Order (Northern Ireland) 2021

Made - - - - 18th November 2021

The Department for Communities makes the following Order in exercise of the powers conferred by section 131(2) and (4) of the Pension Schemes Act 2021(1).

Citation

1. This Order may be cited as the Pension Schemes Act 2021 (Commencement No. 3) Order (Northern Ireland) 2021.

Appointed day

2. The day appointed for the coming into operation of the following provisions of the Pension Schemes Act 2021—

(a) section 129(b) (further provision relating to pension schemes: Northern Ireland) in so far as it relates to the provision specified in paragraph (b), and

(b) paragraph 13 of Schedule 11 (transfer rights: exercise of right to cash equivalent),

for all remaining purposes is 30th November 2021.

Sealed with the Official Seal of the Department for Communities on 18th November 2021

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation paragraph 13 of Schedule 11 to the Pension Schemes Act 2021 (“the 2021 Act”) (and section 129(b) in so far as it relates to paragraph 13) for all remaining purposes on 30th November 2021.

Paragraph 13 of Schedule 11 to the 2021 Act (transfer rights: exercise of right to cash equivalent) primarily amends sections 91 (ways of taking right to cash equivalent) and 97F (power to give transfer notice) of the Pension Schemes (Northern Ireland) Act 1993 (c. 49) (“the 1993 Act”) which provide for a member of a pension scheme to have a statutory right, respectively, either to transfer of accrued pension rights, or to transfer pension credit benefit, in that scheme to another pension scheme. Sections 91(6ZA) and 97F(5A) require the Department for Communities to prescribe conditions which must be met before a member will be able to exercise those statutory rights. Sections 91(6ZB) and 97F(5B) set out the nature of the conditions that may be set and sections 91(6ZC) and 97F(5C) provide a power to require the trustees or managers of the member’s scheme to notify the member of the prescribed conditions where the member is seeking to exercise those rights. Paragraph 13 of Schedule 11 to the 2021 Act also amends sections 94 (loss of right to cash equivalent), 95 (trustees’ duties after exercise of option) and 97J (time for compliance with transfer notice) of the 1993 Act supplementary to the amendments to sections 91 and 97F of the 1993 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Pension Schemes Act 2021 have been brought into operation by earlier commencement orders as from the dates shown.

| <i>Provision</i> | | <i>Date of Commencement</i> | <i>S.R. No.</i> |
|------------------|-------------|-----------------------------|--------------------------------------|
| Section 117 | (partially) | 1st October 2021 | 2021 No. 240 (C.8) |
| | (partially) | 1st October 2021 | 2021 No. 271 (C. 11) |
| Section 129 | (partially) | 1st October 2021 | 2021 No. 240 (C. 8) |
| | (partially) | 29th September 2021 | 2021 No. 271 (C. 11) |
| | (partially) | 1st October 2021 | 2021 No. 271 (C. 11) |
| Schedule 8 | (partially) | 1st October 2021 | 2021 No. 240 (C. 8) |
| | (partially) | 1st October 2021 | 2021 No. 271 (C. 11) |
| Schedule 11 | (partially) | 1st October 2021 | 2021 No. 240 (C. 8) |
| | (partially) | 29th September 2021 | 2021 No. 271 (C. 11) |
| | (partially) | 1st October 2021 | 2021 No. 271 (C. 11) |